

UNITED STATES DISTRICT COURT

DISTRICT OF PUERTO RICO

In Re:) Docket No. 3:17-BK-3283 (LTS)
)
) PROMESA Title III
The Financial Oversight and)
Management Board for)
Puerto Rico,) (Jointly Administered)
)
as representative of)
)
The Commonwealth of)
Puerto Rico, et al.) October 29, 2020
)
Debtors,)

OMNIBUS HEARING

BEFORE THE HONORABLE U.S. DISTRICT JUDGE LAURA TAYLOR SWAIN

UNITED STATES DISTRICT COURT JUDGE

AND THE HONORABLE U.S. MAGISTRATE JUDGE JUDITH GAIL DEIN

UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

ALL PARTIES APPEARING TELEPHONICALLY

For The Commonwealth
of Puerto Rico, et al.: Ms. Laura Stafford, PHV

Proceedings recorded by stenography. Transcript produced by
CAT.

1	I N D E X	
2	WITNESSES:	PAGE
3	None.	
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5	EXHIBITS:	
6	None.	
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1 San Juan, Puerto Rico

2 October 29, 2020

3 At or about 9:43 AM

4 * * *

5 THE COURT: Buenos dias. Good morning. This is
6 Judge Swain speaking.

7 MS. NG: Hi, Judge. It's Lisa.

8 THE COURT: Good morning. Maria Luz, would you
9 please --

10 COURTROOM DEPUTY: Good morning, Your Honor.

11 THE COURT: Good morning.

12 COURTROOM DEPUTY: Good morning, Judge.

13 THE COURT: Would you announce the case, please?

14 COURTROOM DEPUTY: Sure, Judge.

15 The United States District Court for the District of
16 Puerto Rico is now in session. The Honorable Laura Taylor
17 Swain presiding. Also sitting, the Honorable Judith Gail
18 Dein. God save the United States of America and this
19 Honorable Court.

20 Bankruptcy Case No. 2017-3283, *In re: The Financial*
21 *Oversight and Management Board for Puerto Rico as*
22 *representative of the Commonwealth of Puerto Rico, et al., for*
23 *further Omnibus Hearing.*

24 THE COURT: Thank you.

25 Again, good morning and welcome, counsel, parties in

1 interest, and members of the public and press. Today's
2 telephonic hearing is for the purpose of addressing several
3 pending Omnibus Claim Objections.

4 To ensure the orderly operation of today's telephonic
5 hearing, all parties on the line must mute their phones when
6 they are not speaking. If you are accessing these proceedings
7 on a computer, please be sure to select "mute" on both the
8 Court Solutions dashboard and your phone. When you need to
9 speak, you must unmute on both the dashboard and the phone.

10 I remind everyone that consistent with court and
11 judicial conference policies, and the Orders that have been
12 issued, no recording or retransmission of the hearing is
13 permitted by any person, including but not limited to the
14 parties, members of the public, or the press. Violations of
15 this rule may be punished with sanctions.

16 I will be calling on each speaker during this
17 proceeding. Please do not interrupt each other or me during
18 this hearing. If we interrupt each other, it is difficult to
19 create an accurate transcript of the proceedings.

20 Having said that, I apologize in advance for breaking
21 this rule, because I may interrupt if I have questions, or if
22 you go beyond your allotted time. If anyone has difficulty
23 hearing me or another participant, please say something
24 immediately.

25 The Agenda for today's hearing was filed by the

1 Oversight Board on Tuesday, October 27th, 2020. The Agenda,
2 which was filed as Docket Entry No. 14961 in Case No. 17-3283,
3 is available to the public at no cost on Prime Clerk for those
4 who are interested.

5 The Oversight Board attorneys will have up to ten
6 minutes to address each specific response to the Claim
7 Objections, including any time required for interpretation
8 into Spanish. The persons contesting the claim objections
9 will each have up to 12 minutes to respond to the Objection,
10 and the Oversight Board's attorney will have up to five
11 minutes for reply. These time limits also include any time
12 required for interpretation into English.

13 The Court will be keeping track of the time and will
14 alert each speaker when their time is up with a buzz -- sorry,
15 alert each speaker two minutes before their time is up with a
16 buzz, and then with two buzzes when the time is up.

17 Ethan, would you please play the buzz sound?

18 (Sound played.)

19 THE COURT: Thank you.

20 If we need to take a break, I will direct everyone to
21 disconnect and dial back in at a specified time. This
22 morning's portion of the hearing will go from 9:30 AM to 12:00
23 PM, and if it's necessary, we will resume at 1:00 PM and go to
24 5:00 PM.

25 The first Agenda Item is the 78th Omnibus Objection,

1 and I would invite now counsel for the Oversight Board to
2 explain the Objection and the specific objections to the
3 people that we're hearing today.

4 MS. STAFFORD: Thank you, Your Honor. This is Laura
5 Stafford from Proskauer Rose on behalf of the Financial
6 Oversight Board.

7 The first objection, the 78th Omnibus Objection,
8 seeks to disallow in its entirety a proof of claim that
9 asserted interest based on salary, demands, employment, or
10 services provided, but also provides no basis for asserting
11 liability against the debtors.

12 THE COURT: Ms. Stafford, I'm just going to ask you
13 to speak a little slower and a little louder in case there is
14 interpretation that is going on, and also, it will help me to
15 hear you more clearly.

16 MS. STAFFORD: Sure. Of course. Sorry, Your Honor.

17 We have two Responses that remain outstanding with
18 respect to this 78th Omnibus Objection. And the first one
19 that we have identified on the Agenda is filed by Maricely
20 Colon Gonzalez, and this relates to Proof of Claim No. 28925.

21 We received -- the debtors received a mailed Response
22 from Ms. Colon Gonzalez, which was filed on the docket at ECF
23 No. 14789-3. The Response contains a copy of our outreach
24 mailing, and on that outreach mailing, the claimant asserts
25 that her claim has been paid already by the Puerto Rico Police

1 Department, and that the claim can, therefore, be canceled.

2 As it no longer appears that the claimant intends to
3 pursue her claim, we would request the Court grant the
4 Objection and disallow the claim, notwithstanding the
5 Response.

6 THE COURT: Because the Response indicates that the
7 claimant has already been paid and is no longer seeking to
8 pursue this claim, the Objection is sustained and the claim
9 will be stricken.

10 MS. NG: Judge, it's Lisa.

11 THE COURT: Yes.

12 MS. NG: Judge, it's Lisa.

13 THE COURT: Yes.

14 MS. NG: I'm sorry to interrupt. Apparently the
15 interpreter needs to be sworn in. She's not sworn in.

16 THE COURT: Oh, all right. And so, Ms. Ng, would you
17 please have the interpreter state her name, and swear her in?

18 MS. NG: Let me find out from Carmen, because --

19 THE COURT: Maybe Maria Luz can swear her in. We'll
20 wait until you tell us we're ready.

21 MS. NG: Okay. Give me one second. I'm doing it
22 right now. I'm texting. Sorry.

23 They said that they can swear her in on the record if
24 the Court wants her to do so.

25 THE COURT: Okay. I do.

1 So who is there who's got -- is Ms. Tacoronte there
2 and in a position to swear in the interpreter?

3 MS. NG: Let me find out.

4 Jake just texted Carmen and said, yes, she'd like to
5 swear the interpreter in, please.

6 THE COURT: Okay. And ask her to do that on the
7 record.

8 MS. NG: I just texted her, Judge.

9 THE COURT: Okay.

10 MS. NG: Oh, God. Carmen just texted us to say the
11 lines are not working now.

12 THE COURT: Oh, no. All right. Well, we will wait
13 until we hear that that's been sorted out.

14 MS. TACORONTE: Good morning, Your Honor. Can you
15 hear me?

16 THE COURT: Yes, I can. Good morning.

17 MS. TACORONTE: Oh, finally. I'm so sorry, Your
18 Honor. This is Carmen, for the record. Here with me is Ms.
19 --

20 THE INTERPRETER: Edith Ayala.

21 MS. TACORONTE: -- Edith Ayala, A-y-a-l-a.

22 And the interpreter brought to me by Prime Clerk, she
23 is not certified, so if Your Honor allows me, I will proceed
24 to swear her in.

25 THE COURT: Yes. Would you, please?

1 MS. TACORONTE: Yes.

2 Please raise your right hand. Do you solemnly swear
3 that you will justly, truly, fairly and impartially act as an
4 interpreter in the case now before the Court?

5 THE INTERPRETER: Yes, I so swear.

6 MS. TACORONTE: So help you God.

7 THE INTERPRETER: Thank you.

8 MS. TACORONTE: We are good to go, Your Honor.

9 THE COURT: Thank you.

10 MS. TACORONTE: I think we're still waiting for
11 speakers, so I will stand by, Your Honor, and I will contact
12 the law clerk and Lisa.

13 THE COURT: Are there any speakers there waiting at
14 all yet?

15 MS. TACORONTE: I don't think so, Your Honor. I'm
16 back here, so if you allow me, I will move to the front area
17 of the office to verify. But the rooms are kind of separated
18 from the reception.

19 THE COURT: All right. So I just ruled on a claim
20 where the person had written in and said that they don't want
21 to pursue their claim at all. And, Ms. Stafford, with your
22 indulgence, we'll wait until Ms. Tacoronte makes her sweep to
23 see whether there is anyone there waiting to speak, just in
24 case someone who hadn't reached out to you, but is the subject
25 of this, is waiting. And in particular, Ms. Cruz Aviles, who

1 I guess is the other person who is the subject of the 78th
2 Objection.

3 Is that all right with you, Ms. Stafford?

4 MS. STAFFORD: Of course, Your Honor.

5 THE COURT: Okay. So we'll wait, Ms. Tacoronte,
6 until we hear again from you. We'll just wait here quietly.

7 MS. STAFFORD: Thank you, Your Honor.

8 MS. TACORONTE: Thank you.

9 THE COURT: Thank you.

10 MS. TACORONTE: Your Honor.

11 THE COURT: Yes.

12 MS. TACORONTE: I have just received confirmation
13 that there are no speakers waiting at the reception area.

14 THE COURT: Thank you.

15 Well, since it is now 9:57 AM, and the hearing was
16 announced for 9:30 AM, we will go forward with the
17 presentation of the Objections and rulings. If anyone does
18 turn up, and that's brought to the attention of Ms. Tacoronte
19 and the people at the site, then we will deal with that in a
20 way that is appropriate if someone turns up before we have
21 concluded the hearing.

22 And so, Ms. Stafford, would you please continue as to
23 the 78th Omnibus Objection?

24 MS. STAFFORD: Of course. The second remaining
25 Response with respect to the 78th Omnibus Objection was -- it

1 was filed by Nilda Cruz Aviles, Proof of Claim No. 57563.

2 This Response was also mailed to the debtors, and we filed it
3 on the docket at ECF No. 14789-1.

4 The Response contains a copy of our outreach mailing,
5 and on that mailing, the claimant purports to assert
6 liabilities arising out of a litigation, but the only case
7 number that has been provided is the number of the
8 Commonwealth Title III case. And the creditor lists PROMESA
9 Proof of Claim as the title of the case and the basis for her
10 assertion of liabilities.

11 Accordingly, because the claimant still has not
12 provided sufficient information to enable the debtors to
13 process the claim, we would request the Court grant the
14 Objection and disallow the claim, notwithstanding the
15 Response.

16 THE COURT: The 78th Omnibus Objection is sustained
17 as to the claim of Nilda E. Cruz Aviles, which has the number
18 57563. And that claim is disallowed in its entirety, because
19 the claim and Supplemental Response from the claimant failed
20 to provide sufficient information to support the claim.
21 Accordingly, it is disallowed. Thank you.

22 MS. STAFFORD: Thank you very much, Your Honor.

23 THE COURT: And now I --

24 MS. STAFFORD: And -- I'm sorry.

25 THE COURT: Do we go on now to the 79th?

1 MS. STAFFORD: That works for me, if it works for
2 you, Your Honor.

3 THE COURT: That's what's next on the Agenda list.

4 MS. STAFFORD: Yes.

5 THE COURT: Was there anything else with respect to
6 the 78th?

7 MS. STAFFORD: I don't believe so, no.

8 THE COURT: All right. So let's go on to the 79th
9 then.

10 MS. STAFFORD: Okay. Great.

11 The 79th Omnibus Objection, which is filed at ECF No.
12 8965, sought to disallow in their entirety Proof of Claim
13 asserting interest based on salary, demands, employment, or
14 services provided, but failed to provide a basis for asserting
15 liability against the debtors.

16 We have one Response to this Objection that remains
17 outstanding, and it was submitted by Teobaldo Cuevas, Proof of
18 Claim No. 63394. This Response was also mailed to the
19 debtors, and it has been filed on the docket at ECF No.
20 14790-1.

21 This Response contains several pages from the 79th
22 Omnibus Objection, but it does not contain any additional
23 information that the debtors would need in order to process
24 the claim. Accordingly, because the claimant still has not
25 provided sufficient information, we would request the Court

1 grant the Objection and disallow the claim, notwithstanding
2 Mr. Cuevas' Response.

3 THE COURT: Thank you.

4 The 79th Omnibus Objection is sustained as to Claim
5 No. 63394 of Teobaldo Cuevas. And that claim is disallowed in
6 its entirety, because the claimant has failed to provide any
7 additional information at all.

8 MS. STAFFORD: Thank you, Your Honor.

9 THE COURT: Thank you.

10 Next on the Agenda is the 80th Omnibus Objection?

11 MS. STAFFORD: Yes, Your Honor.

12 The 80th Omnibus Objection, which was filed at ECF
13 No. 8967, this Objection also seeks to disallow in their
14 entirety proofs of claim that asserted interest based on
15 salary, demands, employment, or services provided, but that
16 failed to provide a basis for asserting liability against the
17 debtors.

18 There are two Responses that remain outstanding. The
19 first of those was submitted by Elena Luna Colon, Proof of
20 Claim No. 13397. This Response was also mailed to the
21 debtors, and we have filed it on the docket at ECF No.
22 14792-3.

23 This Response contains several printed pages from
24 Prime Clerk's website and the copy of the claimant's Proof of
25 Claim, but it does not provide any additional information that

1 would be needed in order to process the claim. Accordingly,
2 because the claimant still has not provided sufficient
3 information to enable the debtors to process the claim, we
4 would request the Court grant the Objection and disallow the
5 claim, notwithstanding the Response.

6 THE COURT: Thank you.

7 The 80th Omnibus Objection is sustained as to Claim
8 No. 13391 of Elena Luna Colon. And that claim is disallowed
9 in its entirety, because the claim and the Supplemental
10 Response from the claimant failed to provide sufficient
11 information to support a claim.

12 MS. STAFFORD: Thank you, Your Honor.

13 The second Response that remains outstanding with
14 respect to this Objection was submitted by Rene Malpica Ortiz,
15 who had filed Proof of Claim No. 52668. This Response was
16 also mailed to the debtors, and we have filed it on the docket
17 at ECF No. 14792-3.

18 This Response also contains a copy of our outreach
19 mailing. And on that outreach mailing, the claimant purports
20 to assert liabilities arising out of a litigation. However,
21 the only case number that this claimant provides is the number
22 of the Commonwealth Title III case.

23 Accordingly, because the claimant still has not
24 provided sufficient information to enable the debtors to
25 process the claim, we would request the Court grant the

1 Objection and disallow the claim, notwithstanding the
2 Response.

3 THE COURT: Thank you.

4 The 80th Omnibus Objection is sustained as to Claim
5 No. 52668 of Rene Malpica Ortiz. And that claim is disallowed
6 in its entirety, because the claim and Supplemental Response
7 from the claimant failed to provide sufficient information to
8 support a claim.

9 MS. STAFFORD: Thank you.

10 THE COURT: The next Agenda Item is the 83rd Omnibus
11 Objection.

12 MS. STAFFORD: Yes. Thank you, Your Honor.

13 The 83rd Omnibus Objection, which was filed at ECF
14 No. 8970, this Objection also sought to disallow in their
15 entirety Proofs of Claim asserting interest based on salary,
16 demands, employment, or services provided, but which failed to
17 provide a basis for asserting liability against the debtors.

18 Only one Response remains outstanding, and this one
19 was submitted by Vilma Vicente Arias, Proof of Claim No.
20 20678. This Response was also mailed to the debtors, and we
21 have filed it on the docket at ECF No. 14792-1. This Response
22 contains a completed mailing, but that mailing asserts a claim
23 against the Puerto Rico Electric Power Authority for allegedly
24 unpaid Christmas bonuses.

25 Accordingly, any liabilities should be asserted

1 against PREPA and not against the Commonwealth. And so the
2 debtors would request the Court grant the Objection and
3 reclassify the claim to be asserted against PREPA. And we'll
4 be happy to submit a revised Proposed Order so indicating.

5 THE COURT: Thank you.

6 And so, to be clear, your proposal is that the claim
7 be disallowed as against the Commonwealth, but recognized as a
8 claim asserted against PREPA, without the claimant having to
9 refile the claim as one against PREPA?

10 MS. STAFFORD: That is correct. And, of course,
11 while reserving our rights to object to the claim against
12 PREPA, we, you know, would like for it to be properly asserted
13 against the correct debtor.

14 THE COURT: Very well. That application is granted.
15 The 83rd Omnibus Objection is sustained as to Claim No. 20678,
16 which is Vilma Vicente Arias, to the extent that the claim
17 will be reclassified as one against PREPA, and not against the
18 Commonwealth.

19 MS. STAFFORD: Thank you, Your Honor.

20 THE COURT: The next Agenda Item is the 87th Omnibus
21 Objection.

22 MS. STAFFORD: Yes, Your Honor.

23 The 87th Omnibus Objection, which we filed at ECF No.
24 8976, this Objection also seeks to disallow in their entirety
25 proofs of claim asserting interest based on salary, demands,

1 employment, or services provided, but which failed to provide
2 a basis for asserting liability against the debtors.

3 Only one Response remains outstanding with respect to
4 this Omnibus Objection, and it was submitted by Ivett Matos.
5 Proof of Claim No. 50248. This Response was submitted to the
6 Court and filed on the docket at ECF No. 9736. This Response
7 contains a handwritten letter providing information regarding
8 an updated mailing address for the claimant, but it does not
9 provide any additional information that has been needed to
10 process the claim.

11 Consistent with the Court's orders, we've attempted
12 to reach out to the claimant to obtain additional information,
13 but, to date, have not been able to reach her. And
14 accordingly, because the claimant has not provided sufficient
15 information to enable the debtors to process the claim, we
16 would request the Court grant the Objection and disallow the
17 claim, notwithstanding Ms. Matos' Response.

18 THE COURT: Thank you.

19 The 87th Omnibus Objection is sustained as to Claim
20 No. 50248 of Ivett Matos. And that claim is disallowed in its
21 entirety, because the claimant has failed to provide
22 information necessary to substantiate the claim.

23 And that is the last item that is on the Agenda.
24 Ms. Stafford, are there any further matters that need to be
25 addressed today?

1 MS. STAFFORD: I don't believe so, Your Honor.

2 THE COURT: Ms. Tacoronte, can you hear us?

3 (No response.)

4 THE COURT: I would just -- I'm going to ask that Ms.
5 Ng text Ms. Tacoronte to confirm that there are no people
6 there seeking to speak before we adjourn.

7 MS. NG: Yes, Judge. I will do it right now.

8 THE COURT: Thank you.

9 MS. NG: Give me one second.

10 MS. TACORONTE: Your Honor, this is Carmen.

11 THE COURT: Yes.

12 MS. TACORONTE: I'm sorry. I had to move to another
13 room.

14 If Your Honor will be so gracious and repeat the
15 question?

16 THE COURT: The question is whether anyone has
17 arrived to speak, because we have finished the Agenda
18 business, and otherwise, I will adjourn if no one is waiting
19 to speak.

20 MS. TACORONTE: I have been advised that there is no
21 one else here.

22 THE COURT: Very well then. Our Agenda is concluded
23 for today. The next scheduled hearing is the November 18th,
24 2020, hearing concerning additional Omnibus Claim Objections.
25 That hearing will begin at 9:30 AM, Atlantic Standard Time.

1 As always, I would like to thank the court staff in
2 Puerto Rico, Boston and New York for their work in preparing
3 for and conducting today's hearing, and their ongoing
4 outstanding support of the administration of these very
5 complex cases.

6 Stay safe and keep well, everyone. We are adjourned.

7 (At 10:09 AM, proceedings concluded.)

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1 U.S. DISTRICT COURT)
2 DISTRICT OF PUERTO RICO)

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4 I certify that this transcript consisting of 20 pages is
5 a true and accurate transcription to the best of my ability of
6 the proceedings in this case before the Honorable United
7 States District Court Judge Laura Taylor Swain, and the
8 Honorable United States Magistrate Judge Judith Gail Dein on
9 October 29, 2020.

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13 S/ Amy Walker

14 Amy Walker, CSR 3799

15 Official Court Reporter

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